JC05 Rec'd FCT/PTO 1 4 MAR 2002

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FORM PTO-1390) ATTORNEY'S DOCKET NUMBER (REV. 9-2001) 306.41404X00 filed March 14, 2002 TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) NO. (If known, see 37 CFR 1 5) **CONCERNING A FILING UNDER 35 U.S.C. 371** INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED INTERNATIONAL APPLICATION NO September 27, 1999 September 12, 2000 PCT/EP00/08897 TITLE OF INVENTION TRIGGERING UNIT CONTROLLED BY A MICROPROCESSOR FOR INITIATING PYROTECHNICAL ELEMENTS APPLICANT(S) FOR DO/EO/US SCHAFER, HEINZ **ZEMLA, ANDREAS** HUMMEL, DIRK PETZOLD, JAN Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 1. 2. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include 3. items (5), (6), (9) and (21) indicated below. The US has been elected by the expiration of 19 months from the priority date (Article 31). 4. A copy of the International Application as filed (35 U.S.C. 371(c)(2))) 5. 🖂 a. Tis transmitted hereto (required only if not communicated by the International Bureau). b. A has been communicated by the International Bureau. c. is not required, as the application was filed in the United States Receiving Office(RO/US) An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). 6. a. X is attached hereto. b. has been previously submitted under 35 U.S.C. 154(d)(4). Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) 7. a. 

are attached hereto (required only if not communicated by the International Bureau). b. have been communicated by the International Bureau. c. have not been made; however, the time limit for making such amendments has NOT expired. d. have not been made and will not be made. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 8. 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). An English language translation of the annexes of the International Preliminary Examination Report under PCT 10. 🔲 Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 11. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 12. 13. A FIRST preliminary amendment. 14. A SECOND or SUBSEQUENT preliminary amendment. 15. A substitute specification. 16. A change of power of attorney and/or address letter. 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1821 - 1.825. 18. A second copy of the published international application under 35 U.S.C. 154(d)(4). A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 19.

Other items or information: Fig. 1, Credit Card Payment Form, PCT Request Form, International Preliminary

Examination Report, International Publication Number WO 01/23827

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	opriate time limit under 37 he application to pending st		t been met, a petition to re	vive (37 CFR 1.137(a	) or (b)) must	be filed
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Antonelli, Terry, Stout &	k Kraus, LLP		SIGNATU	JRE		
1300 North Seventeenth Suite 1800			Alan E. Se	chiavelli		
Arlington, VA 22209			NAME			
USA			32,087			
			REGISTR	ATION NO		

306.41404X00

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

HUMMER et al

Serial No.:

Filed:

March 14, 2002

For:

Triggering Unit Controlled By A Microprocessor For

**Initiating Pyrotechnic Elements** 

Group:

Examiner:

# **PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents Washington, D.C. 20231

March 14, 2002

Sir:

Prior to examination on the merits of this application and <u>prior to calculation</u>
of the filing fee, please amend the above-identified application as follows:

### IN THE CLAIMS:

Please amend the claims to read as follows:

- 4. (Amended) Method for operating a triggering unit according to claim 1, characterised in that the microprocessor (20) is loaded with a programme corresponding to the current requirements during production of the triggering unit or at least before use thereof.
- 7. (Amended) Method according to claim 4, characterised in that the microprocessor (20) can also process internet protocols.
- 8. (Amended) Method according to claim 4, characterised in that the operating

software is implemented at random instants on an unprogrammed triggering unit or higher order subassembly (such as detonators).

- 9. (Amended) Method according to claim 4, characterised in that the programming lines of the microprocessor are used as data inputs and outputs.
- 10. (Amended) Method according to claim 4, characterised in that the switching output (24) can be reinforced by discrete components.
- 11. (Amended) Method according to claim 4, characterised in that communication between the triggering unit and the ignition device can be uni- or bidirectional in a demand-driven manner.
- 12. (Amended) Method according to claim 4, characterised in that the triggering unit and the ignition device can communication using various media, such as metallic conductor (cable), optical fibre, ultrasound or high frequency.

# **REMARKS**

The foregoing amendments are respectfully requested prior to examination on the merits of this application. A marked up copy of the amended claims is attached.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 306.41404X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Alan E. Schiavelli

Registration No. 32,087

AES/jla (703) 312-6600

## REWRITTEN MARKED UP COPY

- 4. (Amended) Method for operating a triggering unit according to any of claims 1 to 3 claim 1, characterised in that the microprocessor (20) is loaded with a programme corresponding to the current requirements during production of the triggering unit or at least before use thereof.
- 7. (Amended) Method according to any of claims 4 to 6 claim 4, characterised in that the microprocessor (20) can also process internet protocols.
- 8. (Amended) Method according to any of claims 4 to 7 claim 4, characterised in that the operating software is implemented at random instants on an unprogrammed triggering unit or higher order subassembly (such as detonators).
- 9. (Amended) Method according to any of claims 4 to 8 claim 4, characterised in that the programming lines of the microprocessor are used as data inputs and outputs.
- 10. (Amended) Method according to any of claims 4 to 9 claim 4, characterised in that the switching output (24) can be reinforced by discrete components.
- 11. (Amended) Method according to any of claims 4 to 10 claim 4, characterised in that communication between the triggering unit and the ignition device can be uni- or bi-directional in a demand-driven manner.
- 12. (Amended) Method according to any of claims 4 to 11 claim 4, characterised in that the triggering unit and the ignition device can communication using various media, such as metallic conductor (cable), optical fibre, ultrasound or high frequency.

Triggering unit controlled by a microprocessor for initiating pyrotechnic elements

The invention relates to a triggering unit for
initiating pyrotechnic elements in accordance with the
preamble of the first claim and to a method for
operating this triggering unit.

Pyrotechnic elements are taken to mean all elements

which trigger a pyrotechnic effect owing to the
application of an electrical voltage, preferably in
conjunction with coded signals, the effect having a
desired result, for example the ignition of an explosive
charge, triggering of a gas generator, an air bag, the
ignition of large fireworks or sprinkler units and fire
extinguishers. Therefore, pyrotechnic elements include
inter alia igniters, in particular detonators for civil
and high security sectors (automotive, military and oil
field), ignition elements, belt tighteners and gas
generators.

All electronic igniters known on the market consist in the triggering unit of the components: control module (customised chip), rectifier, energy store, voltage regulator, data coupler, current limiter and suppressor circuit.

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The logic or the sequencing control is provided by a control module specially developed for an application and therefore predetermining its function-specific properties by its control logic, converted in the chip structure. Each change in the logic or the function requires redesigning of the chip. Such redesigning is coupled with high costs and time expenditure as in most cases it is necessary to change the complete masking set. The remaining peripherals (rectifier, energy store,

voltage regulator, data coupler, current limiter etc.) are generally unaffected during redesigning.

The object of the invention is to introduce an electronic triggering unit according to the preamble of claim 1, which triggering unit makes possible a hitherto unknown variety of properties and functionality without changes in the hardware or the chip design being necessary.

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This object is achieved by using a standard microprocessor with integrated programme memory as control component loaded with a programme corresponding to current requirements during production or at least before the triggering unit is used.

Any desired type of electronic triggering unit can be produced using this principle without changes in the hardware having to be made (design and structure of the electronic triggering/control device).

It is possible to produce all conceivable electronic triggering units, such as for detonators, air bags etc., on a production plant without having to intervene in the production sequence as the respective triggering characteristic is determined exclusively by the software (programme) loaded into the triggering unit.

A processor-based electronic triggering unit can therefore emulate all systems known on the market.

A plurality of systems may even be combined in one programme depending on the programme memory capacity. This triggering unit can then independently detect which properties it is to assume with the aid of the control

signals. A further advantage consists in the fact that any programmable microprocessors can be used. Therefore, dependence on a single supplier or chip manufacturer is done away with.

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In addition to many other features, the microprocessor used according to the invention has an internal oscillator which can preferably be calibrated by software, a writable programme memory, a data memory, data inputs and outputs and a switching output. A data coupler, a rectifier, a voltage regulator and an energy store are required as peripheral components. It is also conceivable for these peripheral components to be integrated completely or partially in the microprocessor.

The use of this invention also realises a large number of possibilities which cannot be achieved using conventional chip technologies. These include, for example:

Implementing customised requests, such as special security removal sequences etc.

Microprocessor technology is so far advanced that, in the meantime, internet-ready single chip microprocessors comprising all interfaces and protocols for use on the internet are obtainable commercially. When using a microprocessor of this type, the electronic triggering device can be connected directly to the internet by appropriate software in the former and can function in response to the appropriate security codes. Therefore, for example an explosion in Germany which is monitored, checked and triggered via the internet from Australia is conceivable using this technology.

Supplementary safety features, such as automatic deactivation or ignitions with specific, person-based identification (ID) only are possible.

Time stage-dependent (inputting fixed addresses) and triggering units freely programmable in time or interval.

Emulating systems already on the market with the advantages:

- no retraining of staff
- existing ignition systems can be taken on.

Further advantages:

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Only one legally stipulated authorisation for one system. This authorisation can be transferred to all further systems (plurality of systems).

Flexible voltage level and signal codes.

Production and delivery of unprogrammed triggering units (blanks). The customer has the opportunity to create his own system as required.

As microprocessors are predominantly produced for automotive sectors, there is an expanded temperature range not normally produced in customised chips. This property can be exploited without additional expenditure.

Triggering units known to us, such as detonators, are preferably produced using chip-on-board technology. This

requires a lot of know-how in the production of the safety-relevant electronics, so they can only be produced by highly trained personnel. The product is made more expensive as a result. If a microprocessor accommodated as standard in a housing is used it can be assembled using SMD technology. This reduces the production costs as it is a widely used production technology which can be mastered across the world.

Owing to the use of microprocessors, rapid reaction to market demands is possible without hardware modifications. The market demand is converted by software and can go directly into production after it has been qualified by the company.

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Owing to the use of microprocessors, a rapid reaction to new legal requirements is possible without hardware modifications. The requirement is converted by software and can go directly into production after it has been qualified by the company.

Owing to the use of microprocessors, rapid reaction to new safety regulations is possible without hardware modifications. The requirement is converted by software and can go directly into production after it has been qualified by the company.

An embodiment of a triggering unit according to the invention is described hereinafter with the aid of a circuit diagram in Fig. 1:

6/7: input lines, in practice predominantly the electrical connection to a control unit.

	10:	suppressor circuit, for example in the form of
		series resistors or parallel resistors or
		voltage- and/or current-limiting semiconductor
		elements, arc-over sections etc.
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	11:	data coupler for level-adjusted reading in of
		the information transmitted via 6/7 and for
		emitting (via $6/7$ ) the information generated
		in the microprocessor 20.
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	12:	rectifier, for unipolar operation of the
		electronics (no position-oriented assembly of
		the triggering units by the user required) and
		for rectifying the signals in the event that
15		information is currently being transmitted via
		alternating voltage signals.
	8/9:	main current supply branch
20	13:	voltage regulator, provides a generally
		constant voltage for the microprocessor 20.
	20:	microprocessor.
25	4/5:	microprocessor current supply branch.
		•
	21:	level-adjusted data input to microprocessor
		20.
30	22:	data output to data coupler 11.
	24:	trigger signal for initiating the ignition.

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- energy store, generally a capacitor, serves to supply current to the microprocessor 20 and to ignite the ignition element 17.
- 5 16: switching element for triggering the ignition element 17.
  - 17: ignition element: EED (Electrical Explosive Device).

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#### Claims

1. Triggering unit for initiating pyrotechnic elements with a control component, a rectifier (12), an energy store (15), a voltage regulator (13), a data coupler (11), a current limiter and a suppressor circuit (10), characterised in that the control component is a programmable microprocessor (20) with integrated programme memory.

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- 2. Triggering unit according to claim 1, characterised in that the microprocessor (20) comprises at least
- data inputs (21) and data outputs (22) and a switching output (24),
  - a data memory and
  - an oscillator

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- 3. Triggering unit according to claim 2, characterised in that the oscillator can be calibrated by software.
- 4. Method for operating a triggering unit according to any of claims 1 to 3, characterised in that the microprocessor (20) is loaded with a programme corresponding to the current requirements during production of the triggering unit or at least before use thereof.
  - 5. Method according to claim 4, characterised in that the triggering characteristic of the triggering unit is determined by the programme to be loaded.

6. Method according to claim 4, characterised in that the triggering characteristic of the triggering unit is determined according to the type of control.

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- 7. Method according to any of claims 4 to 6, characterised in that the microprocessor (20) can also process internet protocols.
- 10 8. Method according to any of claims 4 to 7, characterised in that the operating software is implemented at random instants on an unprogrammed triggering unit or higher order subassembly (such as detonators).

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- 9. Method according to any of claims 4 to 8, characterised in that the programming lines of the microprocessor are used as data inputs and outputs.
- 20 10. Method according to any of claims 4 to 9, characterised in that the switching output (24) can be reinforced by discrete components
- 11. Method according to any of claims 4 to 10,
  25 characterised in that communication between the
  triggering unit and the ignition device can be unior bi-directional in a demand-driven manner.
- 12. Method according to any of claims 4 to 11,
  30 characterised in that the triggering unit and the ignition device can communicate using various media, such as metallic conductor (cable), optical fibre, ultrasound or high frequency.

## Abstract of the Disclosure

The invention relates to a triggering unit for initiating pyrotechnical elements. The inventive unit comprises a control component, a rectifier (12), an energy store (15), a voltage regulator (13), a data coupling device (11), a current limiter and a suppressor circuit (10). The aim of the invention is to enable an up to now unknown variety of variants pertaining to characteristics and functionality without having to change the hard ware or the design of the chip. To this end, the control component is a programmable microprocessor (10) with an integrated program memory.

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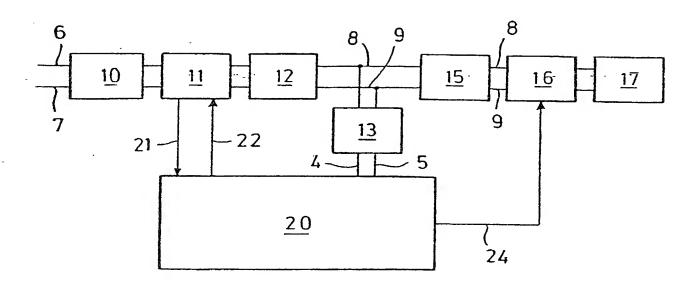


Fig. 1

the specification of which

<u>X</u>

is attached hereto.

was filed on March 14, 2002 as



# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that: my residence, post office address and country of citizenship are as stated below, next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TRIGGERING UNIT CONTROLLED BY A MICROPROCESSOR FOR UNITIZING PYROTECHNIC ELEMENTS

	Inited States Application Nu			
	r PCT International Applicat	ion Number		
a	nd was amended on		•	
		(if applicable)		
including the claim(s), as an	nended by any amendment re	stand the contents of the above-ic eferred to above. I acknowledge to defined in Title 37, Code of Feder	the duty to	o disclose all
foreign application(s) for pa	tent or inventor's certificate	Fitle 35, United States Code, Sectilisted below and have also identi- ing date before that of the application	fied below ion on whi	any foreign ch priority is
			Prior	-
Prior Foreign Application(s)	1		<u>Clair</u>	<u>med</u>
199 46 291.7 (Number)	DE (Country)	29/09/1999 (Day/Month/Year Filed)	Yes	No
100 17 702 4	DE .	8/04/2000		
100 17 703.4 (Number)	(Country)	(Day/Month/Year Filed)	Yes	No
I hereby claim the benefit application(s) listed below  (Application Number)  (Application Number)	riling Date	Code, Section 119(e) of any Un	ited State:	s provisional

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Number)

Filing Date

(Status -- patented,

pending, abandoned)

(Application Number)

Filing Date

(Status -- patented,

pending, abandoned)

I hereby appoint: Donald R. Antonelli, Reg. No. 20,296; Melvin Kraus, Reg. No. 22,466; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; James N. Dresser, Reg. No. 22,973; Carl I. Brundidge, Reg. No. 29,621; Paul J. Skwierawski, Reg. No. 32,173; and Robert M. Bauer, Reg. No. 34,487, my attorneys; of ANTONELLI, TERRY, STOUT & KRAUS, LLP with offices located at 1300 North Seventeenth Street, Suite 1800, Arlington, Virginia 22209, telephone: (703) 312-6600, fax: (703) 312-6666; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send all correspondence to:

Customer Number 020457
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street
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Arlington, VA. 22209

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TEL: (703) 312-6600 FAX: (703) 312-6666

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>5</b> D	
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Inventor's Signature ResidenceSame as	Date 25/06/02 P.O. Box Address Citizenship German
Residence Same as	(City, State) (Country)
Post Office Address	16-17-1
)30	
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Inventor's Signature	Date 12/6/07
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	(City, State)
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-	
Full Name of Third/Joint	Inventor Heinz SCHÄFER
V (10)	
Inventor's Signature	Date

Residence Same as P.O. Box Address Citizenship . (Country) (City, State) Heidberger Schweiz 10, 28865 Lilienthal, Germany Post Office Address COFull Name of Fourth/Joint Inventor Date 25 Inventor's Signature Residence (City, State) (Country) Maarstraße 31 b, 53842 Troisdorf, Germany Post Office Address Full Name of Fifth/Joint Inventor \_\_\_\_\_Andreas ZEMLA Date\_ Inventor's Signature \_ Residence Same as P.O. Box Address Citizenship (Country) (City, State) Am Bergeracker 14, 53842 Troisdorf, Germany Post Office Address Full Name of Sixth/Joint Inventor \_\_\_ Date Inventor's Signature \_ Residence\_\_ (Country) (City, State) Post Office Address Full Name of Seventh/Joint Inventor Inventor's Signature \_ Residence \_\_\_ Post Office Address Full Name of Eight/Joint Inventor Inventor's Signature \_ Citizenship Residence \_\_\_\_\_ (City, State) Post Office Address Full Name of Ninth/Joint Inventor Inventor's Signature Date\_ Citizenship\_ Residence

#### Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

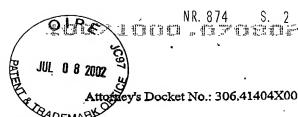
- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by 991.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignce or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

the specification of which

is attached hereto.



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that: my residence, post office address and country of citizenship are as stated below, next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TRIGGERING UNIT CONTROLLED BY A MICROPROCESSOR FOR UNITIZING PYROTECHNIC ELEMENTS

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	-	States Application Nun	ber 10/071,000			
		l' International Applicati				
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including the cla	nim(s), as amendo	ed by any amendment ref	and the contents of the above-id ferred to above. I acknowledge t defined in Title 37, Code of Feder	the duty to	o disclose a	U
foreign applicati	ion(s) for patent	or inventor's certificate l	itle 35, United States Code, Sect isted below and have also identifing ag date before that of the application	fied below	v any foreig	L
Manned.				Prio	ritv	
Prior Foreign A	oplication(s)	•	-		med	
100 46 001 7		DE	29/09/1999			
199 46 291.7	<del></del>	DE		Yes	No	
(Number	r)	(Country)	(Day/Month/Year Filed)	162	140	
100 17 702 4		DE	8/04/2000			
100 17 703.4	<u></u>	(Country)	(Day/Month/Year Filed)	Yes	No	
(Number	7)	(Country)	(Day/Monin/Teal Filed)	162	140	
I hereby claim tapplication(s) lis  (Application	sted below	title 35, United States (	Code, Section 119(e) of any Uni	ited States	s provisiona	ı
(Application	Number)	Filing Date				

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Number)

Filing Date

(Status -- patented,

pending, abandoned)

(Application Number)

Filing Date

(Status -- patented,

pending, abandoned)

I hereby appoint: Donald R. Antonelli, Reg. No. 20,296; Melvin Kraus, Reg. No. 22,466; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; James N. Dresser, Reg. No. 22,973; Carl I. Brundidge, Reg. No. 29,621; Paul J. Skwierawski, Reg. No. 32,173; and Robert M. Bauer, Reg. No. 34,487, my attorneys; of ANTONELLI, TERRY, STOUT & KRAUS, LLP with offices located at 1300 North Seventeenth Street, Suite 1800, Arlington, Virginia 22209, telephone: (703) 312-6600, fax: (703) 312-6666; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Signatur		Date	

### Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by 991.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.